
**DEPARTMENT
POLICY****MA Only**

This is an SSI-related Group 1 MA category.

MA is available to any person who:

1. Is **not** entitled to Medicare Part A (hospital insurance), and
2. Receives RSDI benefits some or all of which are early widow(er)'s benefits under section 202(e) or (f) of the Social Security Act, or under any other provision of section 202 if they are also eligible under subsections (e) or (f), and

Note: Sections 202(e) and (f) provide the same benefits; (e) is for widows and (f) is for widowers.

3. Was terminated from SSI because of RSDI received under section 202 of the Act, and
4. Received SSI in the month before the month he began receiving RSDI under section 202 of the Act, and
5. Would be eligible for SSI if all RSDI under section 202 of the Act were excluded.

This category differs from COBRA widow(er)s because the amount of RSDI excluded is different. Also, eligibility under this category is available on an ongoing basis.

The Social Security Administration notifies central office when SSI terminates for a person meeting the criteria in 1-4 above. Notification is via a code on State Data Exchange (SDX) tapes.

All eligibility factors must be met in the calendar month being tested. If the month being tested is an L/H month and eligibility exists, go to BEM 546 to determine the post-eligibility patient-pay amount.

This category is also referred to as "Kennelly Widows."

**NONFINANCIAL
ELIGIBILITY
FACTORS**

The person must meet all the following:

- Is **not** entitled to Medicare Part A, Hospital Insurance.
- Receives:
 - Early widow(er)'s RSDI under section 202(e) or (f) of the Social Security Act, or
 - RSDI under another provision of section 202 but is also eligible under section 202(e) or (f)
- Was terminated from SSI because of RSDI received under section 202 of the Act.
- Received SSI in the month before the month he began receiving RSDI under section 202 of the Act.
- Is blind or disabled (BEM 260). Receipt of RSDI will **not** always verify blindness or disability. A widow(er) who is at least age 60 may be entitled to RSDI without being blind or disabled.
- Meets the MA eligibility factors in the following items:
 - BEM 220, Residence.
 - BEM 221, Identity.
 - BEM 223, Social Security Numbers.
 - BEM 225, Citizenship/Alien Status.
 - BEM 255, Child Support.
 - BEM 256, Spousal/Parental Support.
 - BEM 257, Third Party Resource Liability.
 - BEM 265, Institutional Status.
 - BEM 270, Pursuit of Benefits.

IDENTIFICATION

Persons receiving early widow(er)'s RSDI have a social security claim number suffix of W, W1-W9, WB, WC, WF, WG, WJ, WR or WT.

In addition, the SSI termination notice indicate potential MA eligibility; see **EXHIBIT**.

**FINANCIAL
ELIGIBILITY
FACTORS****Groups**

Use fiscal and asset group policies for SSI-related groups in BEM 211.

Assets

Countable assets **cannot** exceed the asset limit in BEM 400. Countable assets are determined based on the MA policies in BEM 400, 401 and 402.

Divestment

Policy in BEM 405 applies.

Income Eligibility

Income eligibility exists when net income does **not** exceed the special protected income level in RFT 245. Income eligibility **cannot** be established with a patient-pay amount or by meeting the deductible.

Determine countable income according to MA policies in BEM 500 and 530 **except** as explained in **COUNTABLE RSDI** below. Apply the deductions in BEM 541 to countable income to determine net income.

COUNTABLE RSDI

Exclude all RSDI benefits for the early widow(er).

For all other persons, countable RSDI is the person's gross RSDI for the month being tested. Gross RSDI means the amount before any deductions such as Medicare.

Note: An ex parte review (see glossary) is required before Medicaid closures when there is an actual or anticipated change, unless the change would result in closure due to ineligibility for all Medicaid. When possible, an ex parte review should begin at least 90 days before the anticipated change is expected to result in case closure. The review includes consideration of all MA categories; see BAM 115 and 220.

VERIFICATION REQUIREMENTS

Verification of the following factors unique to this category is required at application, redetermination and whenever there is a change in RSDI benefits:

- Receipt of (or eligibility for) benefits under section 202(e) or (f) of the Social Security Act.
- **Not** entitled to Medicare Part A.

Verification policies for other eligibility factors are in the appropriate manual items.

Verification Sources

Receipt of (or eligibility for) RSDI benefits under section 202(e) or (f) of the Social Security Act:

- Social security claim number suffix from BENDEX, SOLQ, or other Social Security Administration document; see **Identification**.
- Memo or other communication from central office.
- Social Security Administration. Medicare Part A eligibility:
- BENDEX.
- SOLQ.
- SSA-1610-U2.
- Social Security Administration.

EXHIBIT - SSI NOTICE

This is the information about Medicaid which appears on SSI denial/termination notices when SSI ineligibility resulted from early widow(er)'s RSDI benefits.

You may be receiving Medicaid from your state. If you are, you may be able to keep Medicaid even though your SSI payments are stopping. You may receive Medicaid under special rules if all the following are true.

- You are a widow (widower) age 50 through 64;
- You no longer receive SSI because of Social Security payments;
- You do not have hospital insurance under Medicare; AND
- You meet the other state rules for Medicaid.

If these are not true about you, you may still be able to receive Medicaid under other state rules.

To apply for Medicaid, call or visit the Department of Human Services. If you visit, please bring this letter. If you call, tell them you received a widow's or widower's Medicaid letter. That will help them answer your questions.

LEGAL BASE

MA

Social Security Act, Section 1634(d)
Deficit Reduction Act 2005, Social Security Act 1903(x), PL 109-171

JOINT POLICY DEVELOPMENT

Medicaid, Adult Medical Program (AMP), Transitional Medical Assistance (TMA/TMA-Plus), and Maternity Outpatient Medical Services (MOMS) policy has been developed jointly by the Department of Community Health (DCH) and the Department of Human Services (DHS).